

"DEPARTMENTAL ENQUIRIES BILL"

As amended by the Select Committee.

REGULATION OF 106

Whereas it is expedient to empower the officers conducting enquiries into the conduct of public servants to summon witnesses, administer oaths and to regulate other matters connected with such enquiries, We are hereby pleased to enact as follows :—

1. This Regulation shall come into force on the

2. Any officer, holding a final departmental enquiry into the conduct of any Public servant under the special orders of Our Government, may summon any person residing within Our territories to appear before him and give evidence or to produce or cause to be produced, any document in his possession or under his control during such enquiry.

Provided that persons exempted from personal appearance in Civil Courts and women who, according to the usages of the country, do not appear in public, shall not be required to attend before such officer at his office or at any public place.

3. Every summons issued under this Regulation shall be in writing in duplicate signed and sealed by the officer holding or authorized to hold the enquiry. Such summons shall be served by such public servant as the officer holding the enquiry may direct.

4. The provisions of Sections 50, 51, 52, 53 & 54 of the Code of Criminal Procedure (Regulation V of 1067) shall apply to the service of summons issued under this Regulation

5. Witnesses in departmental enquiries shall be examined on oath or solemn affirmation in the presence of the public servant whose conduct is under enquiry and in the manner prescribed for the examination of witnesses in the Code of Criminal Procedure.

6. The public servant whose conduct is under enquiry may engage a Vakil to conduct his defence at the enquiry. He shall be entitled to have his witnesses summoned to give evidence or to produce documents before the officer conducting the enquiry. He may also be examined on oath at his own request.

7. When two or more officers are appointed to hold a departmental enquiry into the conduct of any public servant, they may jointly or severally exercise all the powers conferred on a single officer under the preceding Sections.

8. Whoever intentionally prevents the service of the summons issued or disobeys a summons duly served upon him under this Regulation; or refuses, without lawful excuse, to answer questions put to him in any departmental enquiry; or gives false evidence or makes any false statement on oath in such enquiry; shall, on conviction before a Criminal Court, be liable to the penalties respectively prescribed in Sections 174, 175, 179 and 181 of the Penal Code.

9. The officer or officers holding final enquiry under this Regulation, shall not be the officer or officers who held any preliminary enquiry in whole or in part.